

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>PHAM HUE</b>	:	<b>CIVIL ACTION</b>
	:	
<b>v.</b>	:	<b>NO. 06-2409</b>
	:	
<b>EDWARD KLEM et al.</b>	:	

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**ORDER**

AND NOW, this 16<sup>th</sup> day of January, 2007, upon consideration of the Petition for Writ of Habeas Corpus filed under 28 U.S.C. § 2254 and the Response thereto, and after review of the Report and Recommendation of United States Magistrate Judge L. Felipe Restrepo and the Objections thereto, it is hereby ORDERED that:

- (1) The Report and Recommendation is APPROVED and ADOPTED;
- (2) The Petition for Writ of Habeas Corpus is DENIED; and
- (3) A certificate of appealability shall not be issued since, for the reasons set forth in the Report and Recommendation, petitioner has not made a substantial showing of the denial of a constitutional right.
- (4) The Clerk's Office shall close this case for statistical purposes.

IT IS SO ORDERED.

*/s Paul S. Diamond, J.*

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Paul S. Diamond, J.